

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

IN RE: ZETIA (EZETIMIBE) ANTITRUST
LITIGATION

MDL No. 2:18-md-2836

THIS DOCUMENT RELATES TO:
ALL DIRECT PURCHASER CLASS
ACTIONS

**DIRECT PURCHASER PLAINTIFFS' MOTION FOR CLASS CERTIFICATION FOR
PURPOSES OF SETTLEMENT WITH PAR PHARMACEUTICAL, INC.,
APPOINTMENT OF CLASS COUNSEL, PRELIMINARY APPROVAL OF PROPOSED
SETTLEMENT, APPROVAL OF THE FORM AND MANNER OF NOTICE TO THE
CLASS, APPOINTMENT OF A NOTICE ADMINISTRATOR, A STAY OF ALL
PROCEEDINGS IN THE MDL AS AGAINST PAR, AND SETTING THE FINAL
SETTLEMENT SCHEDULE AND DATE FOR A FAIRNESS HEARING**

Direct purchaser class plaintiffs FWK Holdings, LLC, Rochester Drug Co-Operative, Inc., and Cesar Castillo, Inc., on behalf of the proposed class of direct purchasers (“Direct Purchaser Settlement Class”), by their class counsel (“Class Counsel”), hereby move for an order pursuant to Fed. R. Civ. P. 23: (1):

1. Certifying for purpose of settlement the Direct Purchaser Settlement Class as proposed in Settlement Agreement with Par Pharmaceutical, Inc. (“Par”) attached as Exhibit 1 to the Declaration of Thomas M. Sobol submitted herewith (“Sobol Declaration”) and as further amended in the accompanying Memorandum in Support;
2. Appointing interim class counsel Hagens Berman Sobol Shapiro LLP as Lead Class Counsel for the Direct Purchaser Settlement Class for purposes of the Settlement with Par;

3. Granting preliminary approval of a Settlement of this action between Direct Purchaser Settlement Class and Par;
4. Approving the proposed form and manner of notice to the Direct Purchaser Settlement Class;
5. Appointing RG/2 Claims Administration as Settlement Administrator tasked with distributing notice of the Settlement to the Direct Purchaser Settlement Class and receiving all requests for exclusion or other communications from class members;
6. Staying all proceedings as against Par in the MDL; and
7. Authorizing a proposed schedule for completing the approval process, including the scheduling of a final fairness hearing.

Direct Purchaser Class Plaintiffs submit that the settlement represents a beneficial result to the Direct Purchaser Settlement Class. Direct Purchaser Class Plaintiffs provide a descriptions of the benefits of the settlement, and its negotiations, as well as the particulars of the Settlement Agreement, in the Memorandum in Support and the Sobol Declaration.

By this motion, Direct Purchaser Class Plaintiffs also:

1. Submit for approval a proposed form of notice including procedures for objecting to or requesting exclusion from the Settlement, and plan for the notice to be sent by first class mail to all Direct Purchaser Settlement Class members, in compliance with Fed. R. Civ. P. 23 as attached as Exhibit 4 to the Sobol Declaration;
2. Seek appointment of RG/2 Claims Administration as the Settlement Administrator;
3. Propose the following schedule for the provision of notice to Direct Purchaser Settlement Class members of the fact of the settlement as well as the deadline to

request exclusion from or object to the Settlement, and the date and place of the hearing on final approval:

Dissemination of Notices to the Class in the form and manner proposed	Within 15 days of entry of the Order preliminarily approving the Settlement
Deadline for Class members to request exclusion from the Direct Purchaser Settlement Class or object to the Settlement	No later than 45 days from the date on the Settlement Notice
Filing of Plaintiffs' motion for final approval of the Settlement	30 days before the date set for the Fairness Hearing
Fairness Hearing	To Be Determined By the Court

WHEREFORE, based on the foregoing, and for the reasons set forth in the accompanying memorandum of law and Exhibits 1 – 7 attached to the Sobol Declaration, the motion should be granted. A proposed form of order granting the relief sought by this motion is annexed to the Sobol Declaration as Exhibit 3.

Dated: July 15, 2019

/s/ William H. Monroe, Jr

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record who have made a formal appearance.

Dated: July 15, 2019

/s/ William H. Monroe, Jr.

William H. Monroe, Jr. (VSB No. 27441)